

REMARKS

AMENDMENTS TO THE SPECIFICATION

Paragraphs [0002], [0024], [0028], [0030], [0036], [0044] and [0052] of the specification have been amended to correct some obvious typographical errors. As such, the instant amendments do not constitute new matter.

AMENDMENTS TO THE CLAIMS

Claim **8** has been amended to correct an obvious typographical error. As such, this change does not constitute new matter.

Claim **9** has been amended to make clearer the invention claimed by the applicants. In more particular, -this claim has been amended to recite the limitation that at least one of the cells in the template be an annotation cell of the sort discussed in, for example, paragraph [0030] of the specification. As such, this change does not constitute new matter.

Claim **11** has been amended to correct a typographical error wherein the word “video” was inadvertently substituted for “audio” during the drafting of that claim, thereby creating a lack of antecedent basis. The nature of the error is readily apparent and, as such, this change does not constitute new matter.

Claim **13** has been amended to align the content of this claim with the changed content of independent and amended Claim **9**. For at least all of the reasons identified above, these amendments do not constitute new matter.

Claim **14** has been amended to make clearer the invention claimed by the instant inventors. In more particular, this claim has been modified to require the sort of ordered progression of themed video cells illustrated within Figure **4** and discussed in the text associated with this figure in the specification. As such, this amendment does not constitute new matter.

Claims **15**, **17**, and **21** have been amended to make them consistent with amendments to Claim **14**. As such, these amendments do not constitute new matter.

CLAIM OBJECTIONS AND REJECTIONS

Rejections Under 35 U.S.C. § 102

Claims 1-21 stand as rejected under 35 U.S.C. 102(e) as being anticipated by Ma (US 2003/0215214). It is said that Ma discloses a method of assisting a user compose a video work, wherein is provided at least one themed template, wherein each of said templates contain a plurality of media cells and wherein each of said media cells have a cell theme that is related to the overall theme of the template and wherein is further provided a plurality of topically related media clips. Additionally, it is said that Ma discloses the selection of at least one of said themed templates, the selection of a media clip from among said plurality of topically related clips, the selection of a media cell from among said plurality of media cells in said selected template, the storing of said selected media clip in said selected media cell, the filling of the media cells with media clips until all cells are occupied, therewith composing said video work and finally storing at least a portion of said video work on a computer readable medium.

In speaking of anticipation under Section 102, the Federal Circuit held in *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) that:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Accord: W.L. Gore & Associates v. Garlock, Inc., 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) that:

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.

By way of summary of the arguments that follow, applicants respectfully contend that the Examiner is mistaken in the statement that Ma discloses templates with a structure that presents the user with a template providing individual media cells or content insertion points for media files (i.e. video, audio, textual) to a user. Since it cannot be said that Ma discloses each and every element of the instant invention, the instant rejection should be withdrawn.

As an initial matter, applicants believe Ma does not teach or suggest that each video template should be comprised of a plurality of themed media cells (to include themed video cells as a special case), each having a theme that is chosen to compliment that of the template that contains it. Consider the following exemplary passage from the “Summary of the Invention” at paragraph [0011] of the instant application:

“The preferred video template will contain pre-defined “cells” or insertion points into which a user will be directed to drop specifically themed video clips or other components of a video work (e.g., still digital photos, audio tracks, etc.). The suggested content intended for each such cell is chosen by the template designer in such a way as to broadly characterize the key aspects of the selected event, i.e., preferably each cell will similarly be themed.”

However, nowhere within Ma is there a teaching or suggestion that a user could be provided with such a template containing media cells, which are themed to match the theme of the chosen template

Ma discloses a system and method that provides a dual-mode GUI in a video editing environment, wherein the dual-mode allows the user to switch between an auto-edit GUI and an manual-edit GUI. As part of the auto-edit functionality, Ma describes the use of templates

(paragraph [0010]), wherein these templates are described as “*software files containing cutting rules, title mattes, transition effects and other elements as well as rules for the application thereof, these rules having typically being compiled by experienced video editors on a per-theme basis.*” (Emphasis added).

Nothing in this passage, or elsewhere, suggests applicant’s approach of a themed template with predefined media cells or insertion points that are themed to be consistent with the overall theme of the template that contains them. As a consequence, since Ma does not disclose each and every element of applicants’ claims as-amended, set out as in the claims, the instant rejection of all claims under Section 102 is believed to be improper and should be withdrawn.

Turning now to the instant rejection of Claim 1, for at least all of the reasons indicated above it is believed that this rejection is improper and should be withdrawn. That is, Claim 1 requires at least one themed template that accommodates a plurality of similarly themed media cells there. This structure is simply not taught or suggested in Ma. As a consequence, Ma similarly lacks applicants’ step of “(d) storing said selected media clip in said selected media cell”. As such, it is believed that the instant rejection of Claim 1 under section 102 is inappropriate, as Ma does not disclose every element of this claim set out as in Claim 1. Thus, it is believed that this claim is in condition for allowance and the instant rejection should be withdrawn.

Turning next to the rejection under Section 102(e) of Claim 2, it is said that Ma discloses a method according to Claim 1 further comprising the step of reading and viewing at least a portion of a stored video composition from a computer readable medium.

In reply, applicant would note that at least for all of the reasons identified above, the rejection of this claim is believed to be improper. Most specifically, Claim 2 of the instant invention (which depends from Claim 1) calls for the reading and viewing of a video composition that has been created by utilizing a themed template containing a plurality of themed media cells therein. Nothing in Ma discloses or claims applicants' approach.

As such, it is believed that the cited reference fails to disclose each and every element of applicants' invention as set out in Claim 2, and, as such, the instant rejection under Section 102 is improper and should be withdrawn.

With respect to claim 3, it is said that Ma discloses a method wherein said topically related media clips comprise topically related video clips.

In reply, applicant would note that, at least for all of the reasons identified above, the rejection of this claim is believed to be improper. More specifically, Claim 3 (depending as it does from Claim 1) describes the use of a themed template that contains a plurality of topically related media clips that are to be used therein. Nothing in Ma discloses or claims applicant's concept of inserting a plurality of video clips into a template with themed media cells that function as content insertion points.

As such, it is believed that the cited reference fails to disclose each and every element of the instant invention instant rejection as set out in the Claim 3, and, as such, the instant rejection under Section 102 is improper and should be withdrawn.

Turning next to Claim 4, it is said that Ma discloses a method, wherein the topically related media clips comprise topically related audio clips.

In reply, applicant would note that at least for all of the reasons identified above, the rejection of this claim is believed to be improper. More specifically, Claim 4 (depending as it does from Claim 1) inherits the limitation that each template must contain themed media cells, each of which has as theme that is related to the template that contains it.

Additionally, there is nothing in Ma that discloses the use of topically related audio clips. The references provided by the Examiner certainly illustrate that Ma utilizes audio material. However applicants could find nothing in Ma that indicates the use of audio cells that are themed to relate to that of the template that contains them.

As a consequence, it is believed that claim 4, depending as it does from a claim believed to be allowable and further in view of the arguments above, is in condition for allowance and the instant objection of this claim should be withdrawn.

Turning next to the rejection of Claim 5, it is said that Ma discloses a method wherein each of said media cells within said selected template occurs in a fixed sequence order.

In reply, applicant would note that, at least for all of the reasons identified above, the rejection of these claims is believed to be improper. More specifically, Claim 5 (depending as it does from Claim 1) requires that the media cells or content insertion points occur in a fixed sequence order in the pre-edited video work, wherein the media cells are themed to be consistent with that of the template that contains them.

Additionally, it should be noted that the portion of Ma at page 2, paragraph [0012] that is cited by the Examiner does not disclose a fixed sequence order of themed media cells in a template. The cited reference discloses that a user of Ma's invention can arrange source clips in a timeline according to his desires – see “... *the user merely makes a selection of parent clips from*

the browser window 1202 and arranges them in a desired sequence in the auto-edit timeline 1214.” (Emphasis added). This passage from Ma, though, is contrary to the spirit of Claim 5, which requires that the themed cells occur in a specific order. Although applicants’ invention allows the user to select media items and arrange them in any order, the media cells to which they are assigned are arranged in a fixed ordering in Claim 5.

As a consequence, it is believed that Claim 5, depending as it does from a claim believed to be allowable and further in view of the arguments advanced above, is in condition for allowance and the instant objection of this claim should be withdrawn.

Turning next to the rejection of Claim 6, it is said that Ma discloses a method wherein at least one of said media cells within said selected template contains a preloaded video clip and said preloaded video clip is being chosen to be consistent with said theme of said selected template.

In reply, applicant would note that, at least for all of the reasons identified above, the rejection of this claim is believed to be improper. More specifically, Claim 6 (depending as it does from Claim 1) describes a method wherein a preloaded video work is provided within one of the themed cells of a themed template and further that the provided video work must have a theme that is consistent with the theme of the template. Nothing in Ma discloses or claims this concept of applicants. Claim 6 further requires that at least one of the themed media cells contain a preloaded video clip, with the clip having a theme that is consistent with the theme of the selected template.

As a consequence, it is believed that Claim 6, depending as it does from a claim believed to be allowable and further in view of the arguments presented above, is in condition for allowance and the instant rejection of this claim should be withdrawn.

With respect to Claim 7, it is said that Ma discloses a method wherein certain steps are carried out until substantially all of the media cells are filled with user selected media items and wherein said selected template and the selected media clips are rendered thereafter to create said video work.

In reply, applicants would note that, at least for all of the reasons identified above, the rejection of this claim is believed to be improper. More specifically, Claim 7 (depending as it does from Claim 1) describes a method wherein the themed cells of a themed template are substantially filled with media clips. Claim 7 further requires performing steps (b) through (d) until substantially all of the themed media cells are filled with user selected media clips. Nothing in Ma discloses or suggests this arrangement and, as such, it is believed that the instant rejection of Claim 7 is improper and should be withdrawn.

Turning next to the rejection of Claim 8, it is said that Ma discloses a method wherein substantially all of the media cells are filled with user selected video clips, thereby creating a video composition.

In reply, applicant would note that, at least for all of the reasons identified above, the rejection of this claim is believed to be improper. More specifically, Claim 8 (depending as it does from Claim 1) describes a method wherein the content insertion points/media cells of the themed template are filled with topically related media clips until substantially all of the themed

media cells are filled. Nothing in Ma discloses or claims applicant's concept of providing a plurality of themed media cells within a themed template.

As a consequence, it is believed that Claim 8, depending as it does from a claim believed to be allowable and further in view of the arguments advanced above, is in condition for allowance and the instant objection of this claim should be withdrawn.

Turning next to the rejection of Claim 9, it is said that Ma discloses a method creating a video composition, wherein is provided a plurality of topically related video clips and a plurality of audio clips and wherein is provided at least one themed template, each of said themed templates containing a plurality of themed video cells and a plurality of audio tracks therein. It is further said that Ma discloses the selection of a template, the selection of a video cell and the insertion and storage of topically related video clips into said selected video cells, the selection of audio tracks and audio clips and the insertion and storage of said audio clips in said selected template track and performing the steps until at least one audio track has been added to the selected template and until at least two of said themed video cells are filled with selected video clips thereby creating a video composition.

In reply, applicants would assert that, for at least all of the reasons identified above, the rejection of Claim 9 as-amended is improper and should be withdrawn. More particularly, Ma does not teach or suggest the notion of a themed template that contains a plurality of themed video cells therein. Nor does Ma teach or suggest a themed template that further contains a plurality of audio tracks.

With respect to the instant amendment of Claim 9, Ma additionally does not disclose the use of a themed annotation cell for the receipt and subsequent display of a text string from a user. Claim 9 has been amended to include this limitation.

It is believed that the cited reference fails to disclose each and every element of the instant invention as set out in the claims. As such, the instant rejection under Section 102 of Claim 9 is improper and should be withdrawn.

With respect to Claim 10, it is said that this claim is rejected based on Claim 6 above.

In reply, for at least all of the reasons identified above in connection with the rejection of Claim 6 and further in view of the argument presented above in connection with Claim 9 as-amended, it is believed that Ma fails to disclose each and every element of the invention as set out as in this claim. As such, the instant rejection of Claim 10 is believed to be improper and should be withdrawn.

With respect to the instant rejection of Claim 11, it is said that Ma discloses a method, wherein at least one of said audio tracks within said selected template contains a preloaded audio clip, said preloaded audio clip being chosen to be consistent with said theme of said template.

In reply, applicant would note that, at least for all of the reasons identified above, the rejection of this claim is believed to be improper. More specifically, Claim 11 (depending as it does from Claim 9 as-amended) describes a method wherein a themed template is provided that contains a plurality of themed video cells therein, the themes of the video cells at least approximately matching that of the template that contains it. Nothing in Ma discloses or claims applicants' concept as set out in Claim 9 as-amended of providing a themed template containing

themed video cells and at least one annotation cell. And further, Ma does not teach or suggest the themed template of Claim 9 wherein the chosen template further contains a preloaded audio clip therein, the audio clip being chosen to be consistent with the theme of the selected template.

As a consequence, for at least all of the above reasons and further in view of the fact that Claim 11 depends from an independent claim believed to be allowable, it is believed that Claim 11 is in condition for allowance and the instant rejection of this claim should be withdrawn.

Turning to the rejection of Claim 12, it is said that Ma discloses a method wherein, if one of said selected video cells/media insertion points does not contain a video clip, a selected video clip will be stored in the selected video cell and, if the selected video cell contains a stored video clip, said stored video clip will be replaced with the selected video clip.

In reply, applicant would note that, at least for all of the reasons identified above, the rejection of this claim is believed to be improper. More specifically, Claim 12 (depending as it does from Claim 9 as-amended) describes a method wherein a template is provided that contains themed video cells, a plurality of audio tracks, and at least one annotation cell. Claim 12 further requires that if the user adds a video clip to a cell that previously contained one, that the new clip would replace the old.

Of course, Ma does not teach or suggest this sort of arrangement, i.e., an arrangement wherein a video clip added to a themed cell within a themed template will replace a clip previously added at that location.

As a consequence and for least all of the above reasons, it is believed that Ma fails to teach or suggest every element of Claim 12 as set out in this claim and, as such, the instant rejection of this claim is improper and should be withdrawn.

With respect to Claim **13**, it is said that Ma discloses a method wherein at least one audio track has been added to a selected template and substantially all of the themed video cells are filled with video clips and, wherein, by rendering said video template and the video clips, a video composition is created.

In reply, applicant would note that, at least for all of the reasons identified above, the rejection of this claim is believed to be improper. More specifically, Claim **13** (depending as it does from Claim **9** as-amended) describes a method wherein a template is provided that contains themed video cells, a plurality of audio tracks, and at least one annotation cell. Claim **13** further requires that the method continues until at least one audio track has been added, until substantially all of the themed video cells have been filled, and until at least one of the annotation insertion points has been provided with a text string.

Of course, Ma does not teach or suggest this sort of arrangement, i.e., an arrangement wherein video, audio, and annotation cells are added to themed cells within a themed template.

As a consequence and for least all of the above reasons, it is believed that Ma fails to teach or suggest every element of Claim **13** as set out in this claim and, as such, the instant rejection of this claim is improper and should be withdrawn.

Turning next to the rejection of Claim **14**, it is said that Claim **14** is rejected based on Claim **1** above.

In reply, it is believed that Claim **14** as-amended has rendered the previous rejection moot. In more particular, Claim **14** has been amended to recite the limitation that the video cells within a template must be ordered within the template in an ordering related to the template

theme. This limitation is clearly illustrated in the instant application in the example of Figure 4 and described in paragraphs [0030], [0033], and [0050], among others.

Of course, nothing in Ma discloses a themed template that contains themed video cells therein, with the theme of the video cells being related to that of the template that contains them. Further, Ma does not teach or suggest the idea of themed cells that have a preferred ordering within the template, where the cell ordering is related to the template theme. Certainly, Ma never discloses a themed template with ordered and themed cells therein.

As such, it is believed that the instant rejection of Claim 14 as-amended is improper at least for the reasons presented above. In view of the fact that Ma does not disclose each and every element of Claim 14 set out as in this claim, Claim 14 is believed to be allowable and the instant rejection is requested to be withdrawn.

With respect to Claim 15, it is said that Claim 15 is rejected based on Claim 5 above.

In reply, applicants would note that Claim 15 depends from an independent claim believed to be allowable as-amended (i.e., Claim 14). Further, nothing in Ma teaches or suggests the use of a themed template with themed video cells therein and, further, where the themed video cells are arranged in an order that is related to the theme of the template that contains them. Ma additionally does not teach or suggest the notion that the ordered video cells might occur in a fixed sequential order.

As such, for at least all of the above reasons it is believed that the instant rejection of Claim 15 as-amended has been made moot and the instant claim should be allowed.

With respect to Claim 16, it is said that Ma discloses a method wherein the theme of the themed video template is selected from a group of themes.

In reply, applicants would note that Claim 16 depends from an independent claim believed to be allowable as-amended (i.e., Claim 14). Further, nothing in Ma teaches or suggests the use of a themed template with themed video cells therein and, further, where the themed video cells are arranged in an order that is related to the theme of the template that contains them. Ma additionally does not teach or suggest the notion that the template themes might be selected from a predetermined list of themes.

As such, for at least all of the above reasons it is believed that the instant rejection of Claim 16 as-amended has been made moot and the instant claim should be allowed.

With respect to Claim 17, it is said that Claim 17 is rejected based on Claim 6.

In reply, applicants would note that Claim 17 depends from an independent claim believed to be allowable as-amended (i.e., Claim 14). Further, nothing in Ma teaches or suggests the use of a themed template with themed video cells therein and, further, where the themed video cells are arranged in an order that is related to the theme of the template that contains them. Ma additionally does not teach or suggest the notion that one or more of the video cells might be preloaded with a video clip, the video clip being selected to have a theme that is consistent with the video cell that contains it.

As such, for at least all of the above reasons it is believed that the instant rejection of Claim 17 has been made moot and the instant claim should be allowed.

With respect to Claim **18**, it is said that Ma discloses a method wherein, if one of said selected video cell does not contain a video clip, a selected video clip will be stored in said selected video cell and, if said selected video cell contains a stored video clip, said stored video clip will be replaced with said selected video clip.

In reply, applicants would note that Claim **18** depends from an independent claim believed to be allowable as-amended (i.e., Claim **14**). Further, nothing in Ma teaches or suggests the use of a themed template with themed video cells therein and, further, where the themed video cells are arranged in an order that is related to the theme of the template that contains them. Ma additionally does not teach or suggest the notion that if a clip is added to a themed and ordered video cell and a clip is already stored there that the new clip will replace the old.

As such, for at least all of the above reasons it is believed that the instant rejection of Claim **18** has been made moot and the instant claim should be allowed.

With respect to Claim **19**, it is said that Claim **19** is rejected based on Claim **2** above.

In reply, applicants would note that Claim **19** depends from an independent claim believed to be allowable as-amended (i.e., Claim **14**). Further, nothing in Ma teaches or suggests the use of a themed template with themed video cells therein and, further, where the themed video cells are arranged in an order that is related to the theme of the template that contains them. Ma additionally does not teach or suggest the notion that the template with the ordered video cells might be rendered and viewed as is required by the instant claim.

As such, for at least all of the above reasons it is believed that the instant rejection of Claim **19** has been made moot and the instant claim should be allowed.

With respect to Claim **20**, it is said that Claim **20** is rejected based on Claim **8** above.

In reply, applicants would note that Claim **20** depends from an independent claim believed to be allowable as-amended (i.e., Claim **14**). Further, nothing in Ma teaches or suggests the use of a themed template with themed video cells therein and, further, where the themed video cells are arranged in an order that is related to the theme of the template that contains them. Ma additionally does not teach or suggest the notion that the template with the ordered video cells might be rendered, stored, and viewed as is required by the instant claim.

As such, for at least all of the above reasons it is believed that the instant rejection of Claim **20** has been made moot and the instant claim should be allowed.

With respect to Claim **21**, it is said that Ma discloses a method which includes the step of performing certain operations until the themed cells are filled within the selected template with video clips. It is parenthetically said that Claim **21** is rejected based on Claims **1** and **13**.

In reply, applicants would note that Claim **21** depends from an independent claim believed to be allowable as-amended (i.e., Claim **14**). Further, nothing in Ma teaches or suggests the use of a themed template with themed video cells therein and, further, where the themed video cells are arranged in an order that is related to the theme of the template that contains them. Ma additionally does not teach or suggest the notion that the template with the ordered video cells might be substantially filled with video clips.

As such, for at least all of the above reasons it is believed that the instant rejection of Claim **21** as-amended has been made moot and the instant claim should be allowed.

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In view of the foregoing, the applicants believe that the rejections and objections offered by the Examiner have been overcome and should be withdrawn. The claims as-filed are in condition for allowance and should be passed to the issue branch. Early and favorable action is earnestly solicited.

Respectfully submitted,

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